

performance of the trust reposed in him by that or any future decree or order in the premises.

Ann Tongue now moved on her petition, filed on the 18th of October, 1826, that the commissions of the trustee Garner should be adjusted, and awarded to her as therein set forth and agreed.

BLAND, C., 13th April, 1829.—Ordered, that Ann Tongue be allowed the sum of \$319.83, out of the proceeds of the sales of the real estate of her deceased husband Thomas Tongue, the same being the amount of commissions allowed to the trustee on the proceeds of the said sales. *Gibson's Case*, 1 Bland, 141. And the trustee Robert Garner is hereby allowed the sum of \$105 for expenses attending the sale and survey of the said estate.

The trustee Garner, on the 23d of April, 1829, reported, that in pursuance of the decree of the 8th of November, he had made sale of that part of the real estate of which Robert H. McPherson had been the purchaser to James Tongue, for \$401. And that William H. Hall, Junior, who had been the other purchaser of the other part, had paid into Court the whole amount of the purchase money due from him. Upon which it was ordered, that this sale be ratified unless cause shewn to the contrary before the 23d day of June then next.

* On the 30th of April, 1829, the auditor filed a report, in which he stated that he had examined all the proceedings **349** and had stated all the claims filed against the estate of Thomas Tongue, deceased; and also an account between the said estate and the trustee, in which the proceeds of sale were applied to the trustee's expenses, the allowance to the widow in lieu of the trustee's commissions, the costs of suit, and dividends on all the claims which had been then exhibited. That claims No. 4, 7, 8, 21, 50, 52, 61, 72, 86, 87, 92, 101, 114, 115, 117, and 124, were not proved agreeably to the Act of 1798, ch. 101. That the affidavits annexed to claims No. 5, 41, 56, 58, 86, 91, and 119, admit claims in bar, the amount of which, however, were not stated. That the defendants had filed a copy of the list of debts due to the deceased which was returned by his administrator to the Orphans' Court; and from that list it appeared that there were accounts which ought to be discounted in bar of claims, No. 1, 2, 3, 4, 8, 22, 29, 31, 35, 39, 42, 43, 49, 57, 87, and 101. That claim No. 47 appeared to be for cash paid the deceased in discharge of a note given by the present claimant to the deceased; and was, therefore, clearly inadmissible. That claim No. 52 was the joint note of the deceased, and one T. T. McPherson. A moiety only of which should be allowed, unless evidence should be furnished of the in-